

# **Pregnancy and maternity leave**

## **What is pregnancy and maternity leave?**

Pregnancy and maternity leave is leave you can take when you are pregnant.

## **When am I entitled to pregnancy and maternity leave?**

### **Employees**

Pregnant employees are entitled to pregnancy and maternity leave.

### **Benefits**

When you are unemployed and receive unemployment benefits, sickness benefits or disablement benefits, you are entitled to pregnancy and maternity leave. You apply for this at the Social Security Agency (UWV).

### **Self-employed persons**

If you are self-employed, you are entitled to a pregnancy and maternity benefit paid by the Social Security Agency (UWV), provided that your child is born on or after June 4, 2008. There is no benefit if your child was born before June 4, 2008.

- If you worked at least 1225 hours as a self-employed person in the year before your benefit begins, your benefit will be 100% of the gross minimum wage.
- If you worked less than 1225 hours, the amount of your benefit will depend on the profits you filed with the Dutch Tax Administration (Belastingdienst). UWV divides this amount by 261: this is your daily profit. Your daily benefit will be the same amount, up to a maximum of the gross daily minimum wage.
- The pregnancy and maternity benefit will be paid out for at least sixteen weeks. Your pregnancy leave normally begins six weeks before the expected birth date. Your maternity leave normally begins on the day after the birth and lasts ten weeks.

You can apply for the pregnancy and maternity benefit at UWV. You must do this at least two weeks before the date on which you want the pregnancy benefit to start, and supply a written statement by your doctor or obstetrician which mentions the expected birth date.

There is an exception if you are expected to give birth within ten weeks after June 4, 2008. In that case you may apply for pregnancy and maternity benefit up to four weeks after the birth date and the benefit will still be paid out.

## **For how long can you take pregnancy and maternity leave?**

You are entitled to at least sixteen weeks of pregnancy and maternity leave.

The length of leave will depend on the date the baby is actually born.

The entitlement to pregnancy and maternity leave is a minimum of 16 weeks also in the case of multiple births; the length of leave is not calculated on the basis of the number of children delivered once leave has been taken.

### **Pregnancy leave**

The date the pregnancy leave will start depends on the date you think you will give birth. You can take pregnancy leave from six weeks before the date the baby is due. The pregnancy leave should start no later than four weeks before the baby is due.

### **Maternity leave**

After giving birth you are *always* entitled to at least ten weeks' maternity leave, even if the baby is born later than it was due.

### **The baby is born too early**

For example, you stopped work six weeks before the baby was due. The baby is born one week early. You will then have five weeks' pregnancy leave and eleven weeks' maternity leave, totalling sixteen weeks' leave.

### **The baby is born too late**

For example, you stopped work six weeks before the baby was due. The baby is born two weeks after it was due. You are then entitled to eight weeks' leave before giving birth and ten weeks thereafter, totalling eighteen weeks' leave.

You stopped work four weeks before the baby was due. The baby is born two weeks after it was due. You are then entitled to six weeks' leave before giving birth and twelve weeks thereafter, totalling eighteen weeks' leave.

## **Can I take my pregnancy and maternity leave in parts?**

You are not allowed to take your pregnancy and maternity leave in parts. You must take your leave as one continuous period.

### **Resume work earlier**

You may end your leave to resume work earlier, but not until 42 days after giving birth. You will have to take at least 42 days leave.

## **How do I apply for pregnancy and maternity leave?**

You apply for pregnancy and maternity leave at your employer, at least three weeks before the date you want the leave to start. You will also need to submit to your employer a certificate from your doctor or midwife stating the date the baby is due.

## **How will pregnancy and maternity leave affect my income?**

During your leave you will receive an allowance which matches your salary, but there is a maximum amount. This maximum amount is based on the daily wage, which is 174,64 euro per day. If you earn more, then your income may drop during the period of leave.

## **How will pregnancy and maternity leave affect my holidays?**

During the adoption leave you are still building up holidays. Your employer is not allowed to ask you to compensate your adoption leave with your holidays.

### **Collective holidays**

It's possible your leave coincides with collective holidays such as the construction industry holidays or school holidays. There is no legal provision for this. Ask your employer about this.

## **What happens if I fall ill during my pregnancy and maternity leave?**

### **Start date of leave**

Falling ill could have consequences for the agreement between you and your employer about the start date of the leave. If you fall ill more than six weeks before the baby is due, your leave will start six weeks before the baby is due. In that case any agreement with your employer about the desired start date is void.

For example:

You have agreed with your employer to stop working four weeks before the baby is due. Seven weeks before childbirth you fall ill. The agreement with your employer is then void. The leave will start six weeks before the baby is due and ends ten weeks thereafter, which will give you sixteen weeks of leave.

### **Income**

If you fall ill before your leave starts and your illness is not caused by your pregnancy, you are entitled to an allowance of at least 70 % of your salary.

### **Illness because of the pregnancy**

If you fall ill as a result of your pregnancy before or after your pregnancy and maternity leave you are entitled to sickness benefits matching your salary. But there is a maximum amount. This maximum amount is based on the daily wage, which is 174,64 euro per day. You will receive this allowance for a period of up to two years.

## **What happens if I become unemployed during my pregnancy and maternity leave?**

When you become or are unemployed, you may also be entitled to pregnancy and maternity leave. You will receive benefits from the Social Security Agency UWV.

### **Your contract expires**

If your contract expires during your pregnancy you may be entitled to unemployment benefits. You need to apply for this at the Social Security Agency UWV. The application should state that you are pregnant and a certificate to prove this should be included. You could then be entitled to pregnancy and maternity benefits, which you will receive for a period of sixteen weeks, six weeks before childbirth and ten weeks thereafter. After that you will receive unemployment benefits.

### **You quit your job**

If you quit your job you may be eligible for pregnancy and maternity leave. The requirement is that the baby should be due or be born less than ten weeks after you quit your job. You are entitled to sixteen weeks pregnancy and maternity leave.

### **You are receiving benefits**

If you are unemployed and receive unemployment benefits, sickness benefits or disablement benefits, you are entitled to pregnancy and maternity benefits. You apply for these at the Social Security Agency UWV.

## **Can I be fired when you are pregnant?**

You can't be fired because you are pregnant, nor during your leave, nor within the first six weeks after your maternity leave. You can only be made redundant in very special cases.

**Applying for jobs**

When you are applying for a job, you can't be rejected for being pregnant. During a job interview you don't have to say you are pregnant.

**Trial period**

You may not be dismissed during your trial period for being pregnant.

**Non-renewal of contract**

Your employer may not refuse to renew your temporary contract because you are pregnant. You are entitled to ask for the reasons in the case of non-renewal.

**Can my employer refuse to grant pregnancy and maternity leave?**

No, your employer can never refuse to grant you pregnancy and maternity leave.